

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 99-2135

Ralph Blumberg; Geraldine Blumberg;	*	
Robert Blumberg,	*	
	*	
Appellants,	*	Appeal from the United States
	*	District Court for the
v.	*	Eastern District of Missouri.
	*	
Nationwide Life Insurance Company,	*	[UNPUBLISHED]
	*	
Appellee.	*	

Submitted: February 11, 2000
Filed: February 17, 2000

Before RICHARD S. ARNOLD, BOWMAN, and BEAM, Circuit Judges.

PER CURIAM.

Robert Blumberg and his parents, Ralph and Geraldine Blumberg, appeal following the district court's¹ grant of summary judgment to Nationwide Life Insurance Company (Nationwide) in their declaratory-judgment and tort action. After careful review of the record, we deny the Blumbergs' motion to strike a portion of Nationwide's brief, and we conclude the district court did not err in granting summary

¹The Honorable Lawrence O. Davis, United States Magistrate Judge for the Eastern District of Missouri, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

judgment. Nationwide never received an application or issued a policy for the insurance in question, and the agent with whom the Blumbergs dealt lacked actual authority to bind Nationwide. We conclude the Blumbergs did not create a genuine issue of material fact as to whether the agent had apparent authority to bind Nationwide or whether Nationwide could be held liable for the agent's alleged tortious acts. See Hunt v. Mercy Med. Ctr., 710 A.2d 362, 376 (Md. Ct. Spec. App. 1998); Veydt v. Lincoln Nat'l Life Ins. Co., 614 A.2d 1318, 1322 (Md. Ct. Spec. App. 1992); Simpson v. Prudential Ins. Co. of Am., 177 A.2d 417, 421 (Md. 1962).

Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.